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Remarks

Claims 3 through 6 remain pending in the application. Claims 1 and 2 are canceled.

Claim Rejections — 35 U.S.C. Section § 102 (Banner)

Claim 1 has been rejected under 35 U.S.C §102(b) as being anticipated by Banner, Fishing Rod Holder Means, U.S. Patent 3,802,112 (Apr. 9, 1974). The Examiner argues that Banner discloses a dual fishing rod holder comprising a mounting post adapted for insertion into a receiver installed on a boat, a first fishing rod holder, having a proximal end and a distal end, the first fishing rod holder being secured at its proximal ends to the mounting post and extending rearwardly from the mounting post, and at least one fastener at the distal end of the rod holder, wherein the fastener is adapted to secure a first fishing rod, and a second fishing rod holder, disposed at an angle relative to the first fishing rod holder, the second fishing rod holder adapted to securely receive the handle of a second fishing rod. Claim 1 is cancelled. As a result, this rejection is now moot. Claims 3 through 6 are added to more particularly point out and claim what the applicant believed to be his invention. Therefore withdrawal of this rejection is respectfully requested.

Claim 3 is added to more particularly point out and claim what the applicant believes to be his invention. The limitations of claim 3 require, *inter alia*, "a fastener at the distal end of the tip-down fishing rod holder, wherein the fastener is adapted to secure a first fishing rod and freely suspend the first fishing rod." Banner does not disclose a fastener adapted to freely suspend a first fishing rod. Furthermore, there is no teaching or motivation to combine Banner with another reference to utilize a fastener adapted to freely suspend a first fishing rod. Since

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Banner fails to disclose at least one limitation found in claim 3, the fastener is adapted to secure a first fishing rod and freely suspend the first fishing rod, claim 3 is not anticipated by Banner. Therefore, withdrawal of the rejection is respectfully requested.

Claim 4 is added to more particularly point out and claim what the applicant believes to be his invention. The limitations of claim 4 require, *inter alia*, "a first fishing rod holder having a proximal section and distal section, wherein said proximal section is at an angle relative to the distal section and said proximal section is adapted for insertion into a receiver installed on a boat." The Banner device does not disclose a first rod holder having a proximal section at an angle relative to a distal section. Furthermore, Banner does not teach or disclose a proximal section adapted for insertion into a receiver installed on a boat. The rod holders in Banner are secured by a plate. The Applicant's device is patentably distinguishable from banner. (See Banner figure 5 and Applicant's figure 1). Since Banner fails to disclose at least one limitation found in claim 4, claim 4 is not anticipated by Banner. Therefore, withdrawal of the rejection is respectfully requested.

Claim 5 is added to more particularly point out and claim what the applicant believes to be his invention. Claim 6 depends from claim 5. The limitations of claim 5 require, *inter alia*, a **first tube characterized by a proximal section and distal and having a bend between said proximal section and distal section.** The Banner device does not disclose or teach a first tube characterized by a proximal section and distal and having a bend between said proximal section and distal section. As illustrated in Banner figure 5 and the Applicant's figure 1, the Applicant's device is patentably distinguishable as Banner does not teach or disclose a **first tube characterized by a proximal section and distal and having a bend between said proximal section and distal**

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section. It is clear that Banner comprises two straight sections of tubing coupled to a plate. Since Banner fails to disclose at least one limitation found in claim 5, and claim 6 depends from claim 5, claims 5 and 6 are not anticipated by Banner. Therefore, withdrawal of the rejection is respectfully requested.

**Claim Rejections — 35 U.S.C. Section § 102 (Thoenke)**

Claim 2 is rejected under 35 U.S.C. §102(b) as being anticipated by Thoenke, Fishing System, U.S. Patent 4,388,774 (Jun. 21, 1983) under the assertion that Thoenke discloses a method of securing at least two fishing poles to a single support structure, the method comprising the steps of securing a first fishing pole (14) comprising a rod, reel and line to a first substantially aft pointing rod holder (32-36) and releasably securing a second fishing pole (10) comprising a rod, reel and line to a second substantially upwardly pointing rod holder, setting a first line from the first fishing pole at a first distance from the support structure (86) and setting a second line from the second pole line a second distance greater than the first distance from the support structure. Claim 2 is cancelled rendering this rejection moot. Therefore, withdrawal of this rejection is respectfully requested.


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Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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By:

  
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